

# CITY OF BROOKHAVEN, GEORGIA

## CITY COUNCIL

J. Max Davis, Mayor

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Rebecca Chase Williams – District 1

Jim Eyre – District 2

Bates Mattison – District 3

Joe Gebbia – District 4

## APPROVED MINUTES

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**December 19, 2012**

**Special Called Meeting**

**7pm**

J Mack Robinson College of Business Building on GSU/Brookhaven Campus

4362 Peachtree Road, Room #203, Brookhaven GA 30319

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**A) INVOCATION**

**B) CALL TO ORDER – Mayor Davis 7:05pm**

**C) ROLL CALL – Interim City Clerk, Belenda Demos**

- All present

**D) PLEDGE OF ALLEGIANCE – Mayor Davis**

**E) OPENING REMARKS – Mayor Davis**

**F) MINUTES** – Councilmember Joe Gebbia moved to approve the minutes from December 16, 2012 City Council meeting and the December 17, 2012 City Council meeting. Councilmember Rebecca Chase Williams seconded the motion. Councilmember Eyre presented two corrections. Item #6: Discussion should read: “Councilmember Jim Eyre asked Mr. Riley to send a letter to DeKalb County authorizing DeKalb to continue reviewing permit applications accepted prior to the start of the moratorium and issuing permits for the same pursuant to the DeKalb County code. Mr Riley agreed to do so.” There was also a correction to Item #11: strike "notify" at the end of the second line of the Motion section and insert "negotiate with" in its place. The vote was called for and the minutes of December 16, 2012 were approved as amended and the minutes of December 17, 2012 were approved as presented.

**G) PUBLIC COMMENT - Specifically to address Old and/or New Business on agenda only**

- None

**H) CONSENT AGENDA (None)**

**I) ANNOUNCEMENTS**

- Jim Eyre announced that the approved minutes of all the meetings were available on the City’s website: [www.brookhaven-ga.us](http://www.brookhaven-ga.us). And every meeting to date has been videoed and can be viewed on [www.brookhavenpost.com](http://www.brookhavenpost.com).

**J) REPORTS AND PRESENTATIONS**

- None

**K) OLD BUSINESS**

**1. O2012-12-28 Consideration and Approval of an Ordinance to Provide for the Continuation of Ordinance and Law (Second Read)**

Motion and  
Vote:

Councilmember Joe Gebbia moved to approve Consideration and Approval of an Ordinance to Provide for the Continuation of Ordinance and Law. Councilmember Bates Mattison seconded the motion. The vote was called for

and the motion carried unanimously.

2.     **O2012-12-29**     **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and     Councilmember Jim Eyre moved to approve Consideration and Approval of  
Vote:     an Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.
3.     **O2012-12-30**     **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and     Councilmember Bates Mattison moved to approve Consideration and  
Vote:     Approval of an Ordinance to Adopt and Approve Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.
4.     **O2012-12-31**     **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and     Councilmember Rebecca Chase Williams moved to approve Consideration  
Vote:     and Approval of an Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven. Councilmember Jim Eyre seconded the motion. The vote was called for and the motion carried unanimously.
5.     **O2012-12-32**     **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and     Councilmember Joe Gebbia moved to approve Consideration and Approval of  
Vote:     an Ordinance to Adopt and Approve CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven. Councilmember Jim Eyre seconded the motion. The vote was called for and the motion carried 3 to 1.
6.     **O2012-12-33**     **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and     Councilmember Jim Eyre moved to approve Consideration and Approval of  
Vote:     an Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for

Code of Ordinances for the City of Brookhaven. Councilmember Bates Mattison seconded the motion. The vote was called for and the motion carried unanimously.

7. **O2012-12-34**      **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and  
Vote:

Councilmember Bates Mattison moved to approve Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.

8. **O2012-12-35**      **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and  
Vote:

Councilmember Rebecca Chase Williams moved to approve Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.

9. **O2012-12-36**      **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven (Second Read)**

Motion and  
Vote:

Councilmember Joe Gebbia moved to approve Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven. Councilmember Jim Eyre seconded the motion. The vote was called for and the motion carried unanimously.

10. **ACTION ITEM**      **Consideration of Governor's Commission's Recommendation on Contract and Task Order Award for Public Works**

Motion and  
Vote:

Councilmember Jim Eyre moved to table Consideration of Governor's Commission's Recommendation on Contract and Task Order Award for Public Works. Councilmember Bates Mattison seconded the motion. The vote was called for and the motion carried unanimously. Mayor Davis explained that careful discussion was needed before passing this item.

**L) NEW BUSINESS**

1. **O2012-12-37**      **Consideration and Approval of a One-Read Ordinance to Set and Adopt the Fiscal Year As January 1 through December 31 for the City of Brookhaven**

Explanation,  
Motion and  
Vote:

Chris Pike explained the terms and differences of fiscal and year-end calendars. Councilmember Bates Mattison moved to approve Consideration and Approval of a One-Read Ordinance to Set and Adopt the Fiscal Year As January 1 through December 31 for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.

2.     **O2012-12-xx**     **Consideration and Approval of a One-Read Ordinance to Set and Adopt the Purchasing Policy for the City of Brookhaven**

Motion,  
Discussion  
and Vote:

Councilmember Joe Gebbia moved to table Consideration and Approval of a One-Read Ordinance to Set and Adopt the Purchasing Policy for the City of Brookhaven. Councilmember Jim Eyre seconded the motion.

Discussion: Councilmember Rebecca Chase Williams expressed concerns about a \$50K limit without prior council approval. Marie Garrett shared other cities having a \$ 100K limit and that she would always notify council via email of any expenditure over \$25K. Councilmember Rebecca Chase Williams requested that the amount be in the \$ 10K area for the first quarter and that this issue could be revisited to increase the amount if needed. Ms. Garrett agreed to send language that would be imbedded in the body of Purchasing Policy.

The vote was called for and the motion to table carried unanimously.

3.     **O2012-12-xx**     **Consideration and Approval of an Ordinance to Set and Adopt The Fiscal Year As January 1 through December 31 for the City of Brookhaven (First Read)**

TABLED

4.     **O2012-12-xx**     **Consideration and Approval of an Ordinance to Set and Adopt the Purchasing Policy for the City of Brookhaven (First Read)**

TABLED

5.     **ACTION**  
**ITEM**     **Ratify Letter from Acting City Attorney Re: December 16, 2012, Action Item #12, “Discussion and Vote to Authorize Acting City Attorney to Notify DeKalb County Regarding Certain Services to the New City of Brookhaven, Georgia.”**

Councilmember Rebecca Chase Williams asked Acting City Attorney Bill Riley to give an overview of the licensing landscape and explain about the parallel moratorium.

Those businesses/individuals that already have DeKalb County-issued licenses may currently renew with the County and the license will cover all of 2013. Those businesses/individuals would then be licensed by Brookhaven for 2014 licenses. During the moratorium, there is no new business, alcohol or building permits issued by the County or the City.

Ms. Garrett said that an audit of DeKalb County zoning, building, and first-trade permits were presently being reviewed in phases to ascertain status of all current applications and a map is being created to plot where all of those permits exist with the City's boundaries. All building permits that are in place with DeKalb should be finished.

Councilmember Jim Eyre's expressed concern with those that have filed for permits, and paid for said permit, but permit had not been issued yet.

Chris Pike discussed Occupational Tax and the need to instruct DeKalb not to remove those and to renew for the calendar year which is normally March – April with a 2 week window. Mayor Davis said they would be relying on county information for the tax information. Councilmember Jim Eyre stated that it was important that the City notify business owners that rates will not go up on January 17<sup>th</sup>.

Councilmember Bates Mattison again stated that the city's web site needed to have all the above information posted ASAP.

An adoption of a fee schedule is needed and Council voiced the need to keep fees the same or lower than DeKalb currently levies.

Councilmember Bates Mattison moved to ratify letter Acting City Attorney Riley sent to DeKalb County management regarding the transfer of certain services to the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.

**M) OTHER BUSINESS**

- City Hall will be closed 12/24 and 12/25
- Saturday 12/22 work session at City Hall for review of parks and recreation proposals

**N) PUBLIC COMMENTS**

- none

**O) MAYOR'S COMMENTS**

**P) EXECUTIVE SESSION** (*If needed*)

**Q) ADJOURNMENT** Councilmember Joe Gebbia moved to adjourn the meeting. Councilmember Bates Mattison seconded the motion. The Motion carried unanimously and the meeting was adjourned at 8:09 pm.